

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**THE CITY OF HUNTINGTON,
Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

**CABELL COUNTY COMMISSION,
Plaintiff,**

v.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

**PLAINTIFFS' OPPOSITION TO DEFENDANT AMERISOURCEBERGEN'S MOTION
TO STRIKE AND RESPONSE TO AMERISOURCEBERGEN'S MOTION FOR LEAVE
TO FILE A SUR-REPLY**

Plaintiffs, the City of Huntington and the Cabell County Commission, hereby respond to Defendant AmerisourceBergen Drug Corporation's ("ABDC's") Motion to Strike Plaintiffs' Reply in Support of Motion to Compel Deposition of Steven H. Collis (ABDC CEO) or for Leave to File a Sur-Reply in Opposition.

ABDC's motion concerns a single, non-substantive representation in Plaintiffs' 12-page Reply. Although Plaintiffs stand by the factual representations set forth in their Reply, (ECF 606), Plaintiffs' motion to compel the deposition of Mr. Collis is not premised upon any argument relating to discovery misconduct, and the document itself still reinforces the numerous reasons

why Plaintiffs are entitled to depose Mr. Collis based upon his unique knowledge of material subject matter.

ABDC's motion to strike Plaintiffs' entire Reply is wholly unwarranted and should be denied. Plaintiffs respectfully request that the Court consider Plaintiffs' motion on the basis of the legal arguments set forth in Plaintiffs' Motion to Compel and Reply, without consideration of the dispute arising out of the late disclosure of Congressional records (ABDC-WVFED_PROD023) (06.12.2020), which will be re-directed to the presiding judge in MDL2804.

Finally, although Plaintiffs struggle to understand how the issues raised in ABDC's Motion warrant a sur-reply, Plaintiffs will not oppose Defendant's Motion for Leave to File a Sur-Reply.

Dated: June 23, 2020

Respectfully submitted,

THE CITY OF HUNTINGTON

CABELL COUNTY COMMISSION

/s/ Anne McGinness Kearse

Anne McGinness Kearse (WVSB No. 12547)

Joseph F. Rice

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: 843-216-9000

Fax: 843-216-9450

akearse@motleyrice.com

jrice@motleyrice.com

Linda Singer

David I. Ackerman

MOTLEY RICE LLC

401 9th Street NW, Suite 1001

Washington, DC 20004

Tel: 202-232-5504

Fax: 202-386-9622

lsinger@motleyrice.com

dackerman@motleyrice.com

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr. (WVSB Bar No. 7443)

FARRELL LAW

422 Ninth Street, 3rd Floor (25701)

PO Box 1180

Huntington, West Virginia 25714-1180

Mobile: 304-654-8281

paul@farrell.law

/s/ Anthony J. Majestro

Anthony J. Majestro (WVSB No. 5165)

POWELL & MAJESTRO, PLLC

405 Capitol Street, Suite P-1200

Charleston, West Virginia 25301

304-346-2889 / 304-346-2895 (f)

amajestro@powellmajestro.com

Michael A. Woelfel (WVSB No. 4106)

WOELFEL AND WOELFEL, LLP

801 Eighth Street

Huntington, West Virginia 25701

Charles R. “Rusty” Webb (WVSB No. 4782)

THE WEBB LAW CENTRE, PLLC

716 Lee Street, East

Charleston, West Virginia 25301

Telephone: (304) 344-9322

Facsimile: (304) 344-1157

rusty@rustywebb.com

Tel. 304.522.6249

Fax. 304.522.9282

mikewoelfel3@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2020, the foregoing was served using the Court's CM/ECF system, which will send notification of such filing to all counsel of record, and served on all counsel via email to plaintiffs' listserv at mdl2804discovery@motleyrice.com and to defendants' listserv at track2opioiddefendants@reedsmith.com.

/s/ Monique Christenson
Monique Christenson (SC Bar No. 104063)
MOTLEY RICE LLC